

REMARKS

In accordance with the foregoing, claims 1, 7, and 13 are amended. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1-19 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicants request entry of this Rule 116 Response because it is believed that the amendment of claims 1, 7, and 13 puts this application into condition for allowance and should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

ITEM 3: REJECTION OF CLAIMS 1, 7, AND 13 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner rejects claims 1, 7, and 13 under 35 U.S.C. §112, second paragraph as indefinite. Claims 1, 7, and 13 are amended herein to recite "charging is carried out without judging whether or not said packet data is the registered particular packet data." Applicants submit that claims 1, 7, and 13, all as amended, comply with 35 U.S.C. §112, second paragraph and request withdrawal of the rejection.

ITEM 4, PAGES 3-5: REJECTION OF CLAIMS 1-3, 5-9, 11-15 AND 17-19 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MEURONEN (U.S. 6,473,622)

The Examiner rejects claims 1-3, 5-9, 11-15 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over Meuronen.

The rejection is traversed. As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d 1981, (CCPA 1974)."

Claims 1, 7, and 13, recite, respectively, a method, a computer-readable storage, and a system, using claim 1 as an example, including "registering into a transmitting information storage device, information regarding destination users, a sender, and particular packet data to be sent; when a terminal of said destination user registered in said transmitting information storage device performs a processing to receive packet data, charging said destination user for said packet data, wherein said charging is carried out without judging whether or not said packet data is the registered particular packet data; and transferring the communication fee, charged to said destination users for said particular packet data, to said sender registered in said transmitting information storage device, by using a receiving status data for said particular

packet data to be received by said terminals of said destination users registered in said transmitting information storage device, wherein a number of packets of said particular packet data is calculated from said particular packet data stored in said transmitting information storage device, and an amount of the transferred communication fee is calculated by using a number of destination users specified by said receiving status data, and said number of packets of said particular packet data."

Independent claim 19 recites a method for transferring a communication fee including "charging a destination user for received packet data regardless of particular packet data received; and transferring a communication fee charged to the destination user for the particular packet data to a sender registered in a transmitting information storage device by using a receiving status data for said particular packet data to be received, wherein a number of packets of the particular packet data is calculated from the particular packet data stored in the transmitting information storage device, and an amount of the transferred communication fee is calculated by using a number of destination users specified by the receiving status data, and the number of packets of said particular packet data."

Applicants submit that Meuronen does not teach features recited by the claims. For example, Meuronen does not teach charging based on a "packet."

In item 5, entitled Response to Arguments, the Examiner contends that Meuronen teaches in col. 7, lines 17-23 a system where advertisers are billed for information relayed by an operator and received directly by a customer. The Examiner further mistakenly contends it would have been obvious:

to know that the advertisers' fees charge for transmitting messages to destination users would be directly proportional to the number of messages (i.e. packet data) that are delivered to said destination users. The bigger the number of messages sent by said advertisers that are relayed by an operator and received directly by said destination users, the more said advertisers (i.e. sender) would have to pay to cover the expenses of said distribution.

(Action at pages 6-7).

However, Applicants respectfully submit that Meuronen does not teach such a billing system, and the term "packet" is not used in Meuronen at all. For example, Meuronen merely teaches (col. 4, line 67 to col. 5, line 8):

a connection-specific record TT (Toll Ticket, TT) containing sufficient information for calculating the costs of the connection is created per each connection at least when the call is terminated. The detailed contents of record TT depend on the chosen MSC technique and operator needs, but all records TT contain certain basic data including identifiers of the parties, call type, essential routing information, information on connection status, times and duration associated with the connection.

That is, Meuronen merely teaches that a short message is charged by each connection. Such a connection is identified by the start time and end time, and the amount of data that was transmitted in the connection never affects the cost of the connection.

While as a number of connections increases, the cost increases, this does not teach charging by a number of transmitted packets since, for example bit, rates may differ for packets having the same duration. Thus, since the bit rates may be different and further there may be time during a connection in which a packet is not transmitted, a charging based on number of packets is not taught by a system billing merely for a connection.

Further, Meuronen does not teach that "charging is carried out without judging whether or not said packet data is the registered particular packet data." (Emphasis added). That is, billing parties are not mentioned, and there is no need to change the packet to be sent, and the charging is carried out without judging whether or not the transmitted packet is the registered particular packet.

The Examiner contends that Meuronen teaches in col. 7, lines 14-24 that Meuronen teaches that billing may be directed to another entity and not the subscriber. (Action at page 7). Thus, according to the Examiner's contention the feature of charging "without judging" recited by claims 1, 7, and 13, all as amended, is not taught by cited art.

Mueronen merely teaches in col. 6, lines 18 to 36 that short message must have a parameter indicating the price of the message. That is, Mueronen teaches that a message has to be changed, and the billing system must detect, i.e., distinguish the short message including the parameter indicating the price of the message from any short messages.

Further, Meuronen does not teach "registering into a transmitting information storage device, information regarding (1) destination users, (2) a sender, and (3) particular packet data to be sent (emphasis added)," in the lines cited by the Examiner or anywhere else.

Yet further, Meuronen does not teach "transferring the communication fee charged to said destination users for said particular packet data, to said sender registered in said transmitting information storage device, by using a receiving status data for said particular packet data to be received by said terminals of said destination users registered in said transmitting information storage device," in the lines cited by the Examiner or anywhere else. That is both the receiver and sender are charged, and a sender is only charged for the receiving fee.

Further, Applicants submit that there is no motivation to modify Meuronen that merely

teaches that a sender is basically charged for a short message, and the receiver is charged by using the technique of Meuronen discussed for example in col. 6, lines 18 to 36, and teaches away from an object of present invention.

Further, since Meuronen does not teach packets, Applicants submit that there is no motivation to modify Meuronen to adopt a method, for example, "wherein a number of packets of said particular packet data is calculated from said particular packet data stored in said transmitting information storage."

Further, dependent claims recite features not taught by Meuronen. For example, claim 3 recites "registering information regarding said sender and said particular packet data to be sent into said transmitting information storage device; and registering information regarding said destination users into said transmitting information storage device." There is no teaching in Meuronen in the lines cited by the Examiner or anywhere else regarding a combination of (a) destination users, (b) sender, and (c) said particular packet data to be sent.

As another example, claim 6 recites "acquiring data regarding said particular packet data which does not reach; and specifying destination users who is confirmed to have performed said processing to receive said particular packet based on said data regarding said packet which does not reach." Meuronen does not teach these features in the lines cited by the Examiner or anywhere else, but rather, adopts a billing system based on the connection. Therefore, when the connection cannot be carried out, there is no charge, because the start time and end time cannot be detected.

Summary

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-3, 5-9, 11-15 and 17-19 allowed.

ITEM 4, PAGE 6: REJECTION OF CLAIMS 4, 10, AND 16 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MEURONEN IN VIEW OF JACOBS (U.S. 2004/0039784)

The Examiner rejects dependent claims 4, 10, and 16 under 35 U.S.C. §103(a) as being unpatentable over Meuronen in view of Jacobs.

Dependent claims 4, 10, and 16 recite, using claim 4 as an example, "registering information regarding said destination users includes registering information regarding said destination user that is acquired when a terminal of said destination user requests said particular packet data."

Applicants submit that recited features are not taught by the cited art, alone or in

combination.

Neither Meuronen nor Jacobs teach a billing system of transmitted data based on destination user requests of "particular packet data." Further, there is no motivation or reasonable chance of success to combine Meuronen and Jacobs as the Examiner contends, since Jacobs does not teach a billing system of transmitted data.

Summary

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 4, 10, and 16 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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